

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE:	§	
	§	
THE GATEWAY VENTURES, LLC,	§	CASE NO. 21-30071-HCM
	§	
REORGANIZED DEBTOR.	§	CHAPTER 11

**NOTICE OF DEFAULT
BY THE GATEWAY VENTURES, LLC
(DOC ## 231, 245, 246 AND 278)
(\$100,000.00)**

TO THE HONORABLE BANKRUPTCY JUDGE H. CHRISTOPHER MOTT:

COME NOW WESTAR INVESTORS GROUP, LLC (hereinafter referred to as “WESTAR”), creditors and parties-in-interest in the above captioned proceedings, by and through the undersigned counsel, and hereby file this “Notice of Default by The Gateway Ventures, LLC (DOC ## 231, 245, 246 and 278)” (“Notice”), and in support of this Notice respectfully notify the Court that Reorganized Debtor, The Gateway Ventures, LLC (“TGV”) has breached the terms and is in default, as follows:

1. On October 5, 2021, a Final Order Granting Emergency Motion of Debtor To Assume and Enforce Westar Subscription Agreement and Grant Related Relief (RE: Docket No. 219) (“Final Order”), was signed and filed. (DOC #231).
2. On October 15, 2021, this Court signed and filed an “Order (I) Approving First Amended Disclosure Statement In Support Of Plan Of Reorganization Of The Gateway Ventures LLC Dated September 1, 2021 And (II) Confirming First Amended Plan Of Reorganization As Modified Of The Gateway Ventures LLC Dated October 14, 2021 (Re: Docket Nos. 155, 245)” (“Confirmation Order”) (DOC #246). The Confirmation Order required TGV to, *inter alia*, pay

\$100,000.00 in one lump sum to WESTAR, within forty-five (45) days of the Effective Date of the Plan of Reorganization.

3. On October 18, 2021, Debtor filed its “Notice of Effective Date of Confirmed Chapter 11 Plan of Reorganization (Re: Docket Nos 245, 246), therein providing that the Effective Date of the Plan was October 18, 2021. (DOC #251).

4. On November 30, 2021, as a meet and confer, WESTAR requested a second time that TGV inform WESTAR as to whether TGV will be paying WESTAR the lump sum payment of \$100,000 on or before December 2, 2021, which was within forty-five (45) days of the Effective Date of the Plan of Reorganization, as required in the Confirmation Order approving the First Amended Plan. (DOC #246).

5. TGV responded with numerous excuses, none of which provided a date certain as to when TGV intended to pay WESTAR the \$100,000.00 lump sum payment.

6. Accordingly, on December 22, 2021, WESTAR filed an “Emergency Motion To Enforce The Chapter 11 Plan, and Award Other Miscellaneous Relief” and a “Motion To Expedite Hearing Date On Emergency Motion To Enforce The Chapter 11 Plan, and Award Other Miscellaneous Relief.” (DOC #262 and DOC #263).

7. On January 13, 2022, the expedited hearing on the “Emergency Motion To Enforce The Chapter 11 Plan, and Award Other Miscellaneous Relief” was held.

8. On same date, January 13, 2022, an “Order Regarding Westar Investors Group, LLC, Suhail Bawa, and Saleem Makani’s Emergency Motion To Enforce The Chapter 11 Plan, and Award Other Miscellaneous Relief” was entered by this Court (“Order To Enforce The Plan”), which ordered, adjudged and decreed, in pertinent part, that (a) TGV pay the lump sum

payment of \$100,000 to WESTAR by January 31, 2022, and (b) TGV shall make no payment of attorney's fees until after January 31, 2022. (DOC #278).

9. On January 31, 2022, per Mr. Carruth's request, the undersigned emailed to Mr. Carruth bank wiring instructions for payment of the \$100,000.

10. As of this date, TGV has still not provided WESTAR with the lump sum payment of \$100,000.

11. As of this date, TGV is past due in making payment of the \$100,000.00 by a period of sixteen (16) days, and has made no effort whatsoever to contact the undersigned counsel.

12. TGV is thus once again in violation of (a) the Plan, and (b) the Confirmation Order, as well as (c) the Order To Enforce The Plan.

13. TGV is thus once again in default of (a) the Plan, and (b) the Confirmation Order, as well as (c) the Order To Enforce The Plan.

14. Therefore, Notice is hereby given that TGV is in default and in violation of the (a) the Plan, and (b) the Confirmation Order, and (c) the Order To Enforce The Plan.

March 3, 2022

Respectfully submitted,

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By: **MICHAEL R. NEVAREZ**
State of Texas Bar No. 14933400

Attorney for WESTAR INVESTORS GROUP, LLC,
SUHAIL BAWA, and SALEEM MAKANI

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **NOTICE OF DEFAULT BY THE GATEWAY VENTURES, LLC (DOC ## 231, 245, 246 and 278) (\$100,000.00)** was served either by electronic means as listed on the Court's CM/ECF filing and noticing system, and/or by regular first-class mail, postage prepaid, to all creditors listed on the Debtors' creditor's matrix, and to the following parties in interest, on or before March 3, 2022:

ATTORNEYS FOR DEBTOR:

Jeff Carruth
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/s/ Michael R. Nevarez
MICHAEL R. NEVAREZ